THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5387 of 2007

02.4.2007

Between

K.Srinivas Reddy, S/o.late K.Ram Reddy

... Petitioner

AND

The District Collector, Nalgonda District

And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5387 of 2007

ORDER:

The petitioner is a practicing Advocate. He made a representation to the first respondent herein and Superintendent of Police alleging that the respondents 4 to 6 herein (three brothers) encroached village road, and sought for removal of the encroachment. He also requested to initiate necessary criminal action against the encroachers. Alleging that no action has been taken by the respondents, the present writ petition is filed for appropriate directions.

After hearing the learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (General-T), this Court is convinced that the allegation made in the writ petition to the effect that the respondents 1 to 3 have not taken any action is wholly misconceived. The Xerox copy of the plaint dated 06.9.2006 given by the petitioner to the first respondent is annexed to the writ petition. As seen, the Revenue Divisional Officer endorsed on the complaint requesting the Mandal Revenue Officer (MRO), Thipparthy Mandal, to direct the Executive Engineer (Panchayat Raj) to fix the boundary and take action in the matter under the Land Encroachment Act, 1905 (the Act, for brevity). The petitioner has also annexed Andhra Jyothi, Telugu daily, clipping dated 19.9.2006 wherein the MRO allegedly gave statement that necessary action is being taken to fix the boundary stones after getting it surveyed. Be that as it is, this Court observes that if the respondents 4 to 6 have encroached road portion, necessary action may be taken by the third respondent under the Act, as directed

by the second respondent while forwarding the representation of the petitioner. This observation is sufficient redressal.

The writ petition, with the above observation, is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

April 02, 2007.
YS